



# LEGISLATIVE COUNCIL

SESSION OF 2019 - 2020

(SECOND SESSION OF THE FORTY-NINTH PARLIAMENT)

## VOTES AND PROCEEDINGS

No. 50

TUESDAY, 17 MARCH 2020

- 1 **COUNCIL MEETS.**— The Council met at 11.00 o'clock in the forenoon.
- 2 **ACKNOWLEDGEMENT OF TRADITIONAL PEOPLE.**— The President said: “We meet today on Tasmanian Aboriginal land. We acknowledge and pay respect to the Tasmanian Aboriginal people and elders, past, present and emerging. We recognise them as the traditional and original owners and the continuing custodians of this land.”
- 3 **PRAYERS.**— The President read Prayers.
- 4 **STATEMENT BY THE PRESIDENT – COVID 19 PRECAUTIONS.**— The President said —

“Honourable members, prior to going through the order of business, members have probably noted some changes to the seating in this Chamber.

We have moved the member for Hobart, Mr Valentine, to create some more space.

Members are obviously aware we are in challenging times with the spread of coronavirus so placed around the Chamber are tissues, bins and hand sanitisers that we encourage members to use.

It is a space and time consideration so we ask members to be mindful of this aspect and perhaps use the President's Reserve and other areas in the Chamber if you feel you need to have some space.

We also will work at times with just a quorum number of members in the Chambers. I ask members be conscious that we share that between all members so everyone can have a break if they feel they need to, but, of course, our quorum provisions will be adhered to.

Members may speak from their place if they desire or continue to use the lecterns. We are not admitting any visitors into the gallery area. This is both for our and visitors' safety, and only those assisting with the business of the Council will be permitted in the Chamber - for example, the Leader's advisors and the necessary staff we need. The Leader will also have one principal advisor at the Table when considering legislation in Committee. Advisors will also be permitted to use the area reserved for the press while waiting for the Leader's matters to be called on.

These might seem extreme measures, but we are in some fairly challenging times. I thank all members for their understanding and encourage their cooperation so we can minimise any effects of this dreadful disease which is spreading very quickly around the world.”
- 5 **E-PETITION AND PETITION.**— Ms *Forrest* brought up a E-Petition from 40 residents of Strahan and citizens of Tasmania and a paper Petition from 355 residents of Strahan and citizens of Tasmania who are extremely concerned with the medical services in Strahan.

*Ordered*, That the Petition be received. (Ms *Forrest*)

**6 PETITION: GOVERNMENT RESPONSE.**— Mrs *Hiscutt* laid upon the Table of the Council the Government Response to the Petition of the Member for Elwick (Mr *Willie*) regarding Tasmania's Child Safety System.

**7 LEAVE TO TABLE ANSWERS TO QUESTIONS AND INCORPORATE ANSWERS INTO HANSARD.**—*Ordered*, That Mrs *Hiscutt* have leave to Table answers to Questions No. 5, 19, 20, 29 and 30 and have the answers incorporated into the Hansard record.

**8 ECONOMIC COST OF FAMILY VIOLENCE** — Ms *Forrest* asked the Honourable the Leader of the Government — With regard to the economic cost of family violence in Tasmania:

- (1) (a) What is the cost of health care related to treating women who are subject to family violence; and  
(b) what is the cost of health care related to treating men who are subject to family violence?
- (2) What is the cost of provision of, and access to, justice for women impacted by family violence?
- (3) (a) What is the cost of the provision of, and access to, justice for men as perpetrators of family violence; and  
(b) what is the cost of the provision of, and access to, justice for men impacted by family violence?
- (4) (a) What is the economic and social cost of time away from education for women, as a result of family violence; and  
(b) what is the economic and social cost of time away from education for men, as a result of family violence?
- (5) (a) What is the cost of the provision of shelter for women resulting from family violence; and  
(b) what is the cost of the provision of shelter for men resulting from family violence?
- (6) (a) What is the level of unmet demand for shelter for women resulting from family violence; and  
(b) what is the level of unmet demand for shelter for men resulting from family violence?
- (7) (a) What is the current cost, in dollar terms and percentage terms of Tasmania's GSP to treat or deal with the outcomes of family violence; and  
(b) what is the current cost, in dollar terms and percentage terms of Tasmania's GSP to prevent family violence?

The Leader answered,

In May 2016, the Australian Government released the Report, *The Cost of Violence against Women and their Children in Australia*.

The Report updated KPMG's 2009 report and analysis titled 'The Cost of Violence against Women and their Children.' It is very difficult to estimate costs to government, community and individuals, which is why we use the figures developed by KPMG.

In 2015-16, based on the 2012 Personal Safety Survey (PSS), it was estimated that the total cost of violence against women and their children was \$22 billion.

Victims and survivors bear \$11.3 billion, or 52 per cent, of the total costs. The Australian Government, state and territory governments bear \$4.1 billion or 19 per cent of the total costs.

It was estimated the cost to Tasmania was \$500 million.

Of the \$22 billion, the Report estimated the cost of physical and sexual violence as \$12 billion and the cost of emotional abuse and stalking as \$10 billion.

Safe Homes, Families, Communities: Tasmania's action plan for family and sexual violence 2019-2022 (Safe Homes, Families, Communities) invests \$26 million over three years to 40 direct and practical actions to prevent and respond to family and sexual violence.

This funding is in addition to Safe at Home services; specialist services funded by the Government and delivered by the community sector; and government and community services that interact with victim-survivors and perpetrators, but are not specialist services.

An additional challenge is that we know that family violence is underreported. Therefore any estimates are likely to be less than actual costs. For example, the 2016 Report states "underrepresentation of Aboriginal and Torres Strait Islander women, pregnant women, women with disability, and women who are homeless within national prevalence estimates may add a further \$4 billion to the cost of violence against women and their children in Australia in 2015-16".

With regard to the economic cost of family violence in Tasmania:

- (1) (a) What is the cost of health care related to treating women who are subject to family violence?
- (b) What is the cost of health care related to treating men who are subject to family violence?

The 2016 Report estimated the impact of violence on private and public health systems is estimated to cost victims, their communities and government \$1.4 billion. In Australia, intimate partner violence is the greatest health risk factor for women aged 25 to 44 years. Victim-survivors and perpetrators don't necessarily identify family violence as the cause of or reason for injuries when presenting to hospital or GPs. Therefore, it is hard to estimate.

- (2) What is the cost of provision of, and access to, justice for women impacted by family violence?

Refer above.

- (3) (a) What is the cost of the provision of, and access to, justice for men as perpetrators of family violence;
- (b) What is the cost of the provision of, and access to, justice for men impacted by family violence?

The 2016 KPMG Report estimates the impact of violence against women and their children on the justice, services and funeral sectors is estimated to cost the Australian economy \$1.7 billion.

- (4) (a) What is the economic and social cost of time away from education for women, as a result of family violence; and
- (b) what is the economic and social cost of time away from education for men, as a result of family violence?

This breakdown is not available in the KPMG report and would be almost impossible to determine.

- (5) (a) What is the cost of the provision of shelter for women resulting from family violence; and
- (b) what is the cost of the provision of shelter for men resulting from family violence?

While there are no specific shelters only for people escaping family violence. However, we know that nationally 42 per cent of clients accessing homelessness services have experienced family violence. Funding provided State-wide for 2019-2020 for crisis accommodation (shelters) specifically for women is \$5 878 015 (exclusive of GST). This comprises:

- Young women aged 13 to 20 years - \$2 282 436
- Women with or without children - \$3 595 579

Funding for shelters in Tasmania provides safe and secure accommodation for people who are homeless or at risk of homelessness. Funding for Rapid Rehousing provides transitional accommodation and support for people escaping family violence. Total funding for 2019-20 is \$750,000 (excluding GST).

While there are no specific shelters only for people escaping family violence. However, we know that nationally 42 per cent of clients accessing homelessness services have experienced family violence. Funding provided statewide for crisis accommodation (shelters) specifically for men is \$3 913 867 (excluding GST). This comprises:

- Young men aged 13 to 20 - \$2 096 508
- Men aged over 20 - \$1 817 359

Some crisis accommodation shelters provide for both males and females, the funding for those is a total of \$3 174 813. This comprises:

- Young men and women aged 13 to 20 - \$1 936 066
- Men and women with or without children - \$1 238 747

There is a further \$5 million to deliver additional crisis accommodation to reduce homelessness and housing stress. Bethlehem House will provide an additional 18 new units for men and the Hobart Women's Shelter will provide an additional 17 units for women, children and family groups. This is being delivered under the Tasmanian Affordable Housing Strategy and Action Plans.

Funding for Rapid Rehousing provides transitional accommodation and support for people escaping family violence. Total funding for 2019-20 is \$750,000 (excluding GST).

- (6) (a) What is the level of unmet demand for shelter for women resulting from family violence; and  
(b) what is the level of unmet demand for shelter for men resulting from family violence?

Data for unassisted requests for Specialist Homelessness Services does not outline if clients present with family violence issues.

The data collection records the type of services that are required and identifies that most daily unassisted requests are for accommodation or housing assistance. The unmet need data does not record why people are presenting for assistance. In Tasmania in 2017-18, 100 per cent of daily average unassisted requests were for short term or emergency accommodation. For around 94 per cent of instances, the reason that no service was provided was that accommodation was not available.

For people who presented to Specialist Homelessness Services and did receive assistance in 2017-18, 24.4 per cent (or 1,590 clients) presented as needing assistance associated with domestic and family violence. Of these, 23 per cent were male and 67 per cent were female.

- (7) (a) What is the current cost, in dollar terms and percentage terms of Tasmania's GSP to treat or deal with the outcomes of family violence; and  
(b) what is the current cost, in dollar terms and percentage terms of Tasmania's GSP to prevent family violence?

The KPMG 2016 reported estimated in 2015-16 the cost of violence against women and their children to Tasmania was \$500 million.

Safe Homes, Families, Communities invests \$3.3million in primary prevention and early intervention initiatives.

This does not represent all primary prevention activities being undertaken in the State.

**9 PUBLIC HOSPITAL STAFFING.**— *Ms Forrest* asked the Honourable Leader of the Government — For each one of the State's 23 public hospitals, listed separately, please provide the following data for financial years 2017-2018 and 2018-2019:

- (1) The average numbers of FTE's for:  
(a) salaried medical practitioners;  
(b) nurses;  
(c) diagnostic and allied health professionals;  
(d) administrative and clerical staff; and  
(e) domestic staff;
- (2) The average bed occupancy rates for each hospital for each of these periods; and

(3) The number of patient days for each hospital, for each of these periods.

The Leader answered,

For Question 1 - Average FTE numbers

Tasmanian Health Service Average Paid FTE 2017-18 to 2018-19														
Hospitals	Salaried Medical Practitioners		Nurses		Allied Health Professionals		Administrative and Clerical		Domestic		Rural Medical Practitioner		Visiting Medical Practitioner	
	2017-18	2018-19	2017-18	2018-19	2017-18	2018-19	2017-18	2018-19	2017-18	2018-19	2017-18	2018-19	2017-18	2018-19
Alcohol and Drug Service	2.22	2.18	12.51	13.69	0.00	0.00	1.05	1.03	4.65	4.60	0.00	0.00	0.00	0.00
Beaconsfield	0.00	0.00	13.90	14.52	1.12	1.11	3.98	4.02	15.59	15.60	0.10	0.14	0.00	0.00
Campbell Town	0.00	0.00	13.69	14.20	1.34	1.45	3.41	3.66	20.68	18.60	0.14	0.15	0.00	0.00
Deloraine	0.00	0.00	17.27	17.49	0.40	0.44	4.22	4.16	9.85	9.99	0.58	0.61	0.00	0.00
Flinders Island	0.00	0.00	13.07	13.55	0.00	0.00	2.30	2.44	9.30	9.49	0.00	0.00	0.00	0.00
George Town	0.00	0.00	16.36	17.13	0.00	0.00	2.77	3.15	8.23	7.71	0.72	0.76	0.00	0.00
Health West (Queenstown)	0.00	0.00	15.83	16.13	0.00	0.00	2.72	2.62	20.34	20.14	0.00	0.00	0.00	0.00
King Island	0.00	0.00	14.02	13.71	0.00	0.00	3.63	3.67	11.43	11.83	0.00	0.00	0.00	0.00
Launceston General Hospital	236.73	255.65	988.57	1031.80	192.57	200.02	370.43	377.63	321.59	330.94	0.00	0.00	14.49	14.18
Mersey Community Hospital	31.94	38.12	179.92	188.88	21.16	20.74	77.51	75.46	62.64	63.31	0.00	0.00	3.23	3.89
Midlands	0.00	0.00	14.27	14.33	0.00	0.00	2.99	2.90	15.53	16.14	0.16	0.12	0.00	0.00
Millbrook Rise	2.52	2.43	27.90	26.61	0.97	0.79	2.00	2.08	24.04	24.27	0.00	0.00	0.00	0.00
Mistral Place	0.08	0.50	10.56	10.80	2.80	2.20	0.00	0.00	4.86	4.30	0.00	0.00	0.00	0.00
New Norfolk	0.00	0.00	15.70	17.21	0.00	0.00	3.13	3.14	4.94	5.80	0.37	0.17	0.00	0.00
North West Regional Hospital	78.77	83.45	317.68	337.07	60.79	62.26	151.61	152.09	95.16	91.63	0.00	0.00	3.59	3.79
Roy Fagan Centre	2.88	3.88	33.75	31.86	0.01	0.14	1.14	1.25	31.81	31.27	0.00	0.00	0.00	0.00
Royal Hobart Hospital	468.17	501.63	1388.64	1485.02	388.14	418.91	562.07	584.99	469.54	522.17	0.00	0.00	15.48	15.28
Scottsdale	0.00	0.00	19.75	19.59	1.84	1.59	4.53	4.60	6.38	6.65	0.02	0.00	0.00	0.00
Smithton	0.00	0.00	17.20	17.57	0.00	0.00	2.11	2.10	6.84	6.51	0.71	0.72	0.00	0.00
St Helens	0.00	0.00	14.47	14.58	0.52	0.98	2.78	2.84	5.23	5.51	0.00	0.00	0.00	0.00
St Marys	0.00	0.00	13.97	14.01	1.33	1.01	2.94	2.87	6.01	5.78	0.23	0.23	0.00	0.00
Tolosa Street Centre	0.08	0.50	11.83	13.91	0.00	0.55	1.19	1.54	4.35	6.19	0.00	0.00	0.00	0.00
Wilfred Lopes Centre	3.41	2.24	35.52	35.65	2.73	2.67	4.11	4.04	21.00	20.40	0.00	0.00	0.00	0.00

For Questions (2) and (3)

	2017/18		2018/19	
	Occupancy Rate	Bed Days	Occupancy Rate	Bed Days
Beaconsfield	67.75%	937	93.17%	1323
Campbell Town	76.92%	1608	93.42%	1909
Deloraine	61.17%	4487	60.83%	4229
Flinders Island	31.33%	545	31.17%	615
George Town	66.42%	3338	64.25%	3792
Health West (Queenstown)	49.50%	1924	36.83%	1304
King Island	31.75%	743	25.42%	565
Launceston General Hospital	79.79%	110206	83.01%	110644
Mersey Community Hospital	76.92%	14213	75.49%	14250
Midlands MPC	50.25%	759	42.83%	603
Millbrook Rise	99.75%	9821	99.7%	9823
Mistral Place	96.3%	3515	96.8%	3534
New Norfolk	83.42%	4238	85.17%	4295

	2017/18		2018/19	
	Occupancy Rate	Bed Days	Occupancy Rate	Bed Days
North West Regional Hospital	90.43%	38697	95.63%	42381
Roy Fagan Centre	90.9%	13599	96.5%	14441
Royal Hobart Hospital	91.91%	141761	91.03%	154628
Scottsdale (NESM)	47.92%	3222	48.42%	3020
Smithton	36.50%	1603	41.33%	1864
St Helens	37.50%	1252	32.25%	1100
St Marys	34.33%	1028	38.08%	1109
Tolosa Street	87.2%	3819	88.8%	3889
Wilfred Lopes Centre	67.8%	5696	60.9%	5114

**10 TOBACCO CONTROL.**— Mr *Dean* asked the Honourable Leader of the Government—During the Second reading speech on the *Public Health Amendment (Healthy Tasmania) Bill 2017 (No. 45)* in November 2017, the Honourable Leader stated that:

“It will be a standard condition on every licence to sell tobacco or personal vaporiser products that information on sales volumes be collected. This information is to be reported as part of the yearly renewal of a licence.

This information will complement existing population health surveys and assist with preventive health planning, targeted interventions, and evaluating the effectiveness of local and state-wide initiatives.”

Other matters addressed in the debate on the Bill which the government promised to address included banning smoking around schools and hospitals and providing information to smokers at point of sale and increasing the amount of infringement notices (on the spot fines) for offences relating to sales to minors.

In response to my proposed amendment that smoking be banned near schools and hospitals the Honourable Leader affirmed during the debate on the Bill that:

“The Government's preferred approach to extending smoke free areas under the Act is to develop a comprehensive project that is well researched, has regard to relevant evidence, and has been subject to community consultation to fully understand the practical implications.”

- (1) What is the progress of the Government’s collection of the sales volumes provided by smoking product license holders?
- (2) What is the sales volume by type of business, for example newsagent, hotel, bottle shop, supermarket, tobacconist etc?
- (3) What is the provision of information to smokers at point of sale?
- (4) How many licensed smoking product retailers are there in Tasmania currently?
- (5)
  - (a) Is there a map or list by suburb/town/location of where those retailers are located;
  - (b) if so, can a copy be made available; and
  - (c) if not, why not?
- (6) What is the numbers of smoking product retailers by type of business, for example newsagent, hotel, bottle shop, supermarket, tobacconist etc.
- (7) How many licensed tobacco vending machines remain in Tasmania and where are they located?
- (8) What action has been taken to move forward to ban smoking around schools and hospitals?

- (9) (a) Since the abolishment of the infringement notices has any action/prosecution been taken against retailers; and
- (b) if so, what action has been taken and how many cases.

The Leader answered,

- (1) The Government is developing an online licensing system to cut red tape and facilitate tobacco retailers submitting volume sales information as part of their annual licensing renewal. Funding for the system was made available following the fee increases in 2017 and 2018. The Department of Health has procured a system and is working to ensure the system is safe and efficient for retailers and Government to use in 2020.
- (2) As per the response to Question 1, Tobacco sales volume information is not currently available.
- (3) Proposals for quit smoking information at the point of sale were explored and poorly received by smokers and retailers. Further progression represented a risk in terms of adverse reactions and prohibitive costs.
- (4) On 4 November 2019, there were 661 smoking product retailers licensed on the register.
- (5) There is a register of licences maintained by Public Health Services in the Department of Health. This is not publicly available. In 2012, the provision in the *Public Health Act 1997* that made the register of tobacco retailers available for public inspection was repealed. This was done in response to concerns that tobacco companies could use the information in the register for commercial purposes. The *Public Health Act 1997* now only permits the disclosure of identifiable information from registers in accordance with specified circumstances or authorisations consistent with the purpose of the Act.
- (6) There are 16 hotels, 91 bottle shops, 100 small supermarkets, 47 large supermarkets, 67 newsagents, 5 specialist tobacconists, 92 mixed businesses, 152 service stations, 57 takeaway outlets, restaurants or cafes, 2 vending machines, and 30 bars, pubs or clubs that sell tobacco in Tasmania. There are also 2 specialist vaping retailers.
- (7) There are two vending machines operating in Tasmania, they are both in the South of the state.
- (8) The Government is in the process of finalising policy options for smoke free environments in and around hospitals and schools and implementing smoke free environments in its main hospital sites, including training nominated officers and support for all staff and patients to quit.
- (9) Only one type of offence relating to tobacco and smoking had its infringement notice provisions removed from the legislation. This offence related to selling tobacco to a minor.

In total 12 infringement notices and six written warnings have been issued for other offences relating to the retail sale of smoking products since the single infringement notice provision was removed.

In relation to sales to minors. Some offences were observed during “controlled purchase operations” conducted by the Department of Health where 140 purchases were attempted by volunteer minors contracted to the Department. Written Warnings were issued to six offenders and the licence holders. More recently three additional alleged offenders are pending prosecution. However, the Department of Public Prosecutions and Tasmania Police are limited in their capacity to represent the Director of Public Health in these matters. Following the detection of the first six offences, a campaign has been targeted at retailers to prompt retail assistants to check for photo identification if they are selling tobacco. The Department of Health developed a web based automated graphic, sent all licence holders letters, and re-designed the Smoking Product Retailers guide in Tasmania. The Department of Health is currently piloting a Responsible Service of Tobacco online course in order to further improve compliance with sales to children requirements. This work has received positive feedback from a number of retailers.

**11 BOB BROWN FOUNDATION BIG CANOPY CAMP OUT.** — *Mr Dean* asked the Honourable Leader of the Government — On 12 October, The Bob Brown Foundation (BBF) held an event called the Big Canopy Camp Out at two separate locations at Sumac and Rapid River on the North West Coast, that come under the land management of Sustainable Timber Tasmania (STT). The event involves sleeping in tree-top canopies in small porta-ledge pods. The BBF held the same event last year and was advised by STT that a permit was required. The permit ensures that events comply with all safety regulations. This year's event was advertised publicly, well in advance.

Since the Big Canopy Camp Out event, the BBF has conducted several tree-sit protests, resulting in two trespass arrests. The BBF has published several video clips, showing that protesters have remained for days at a time in the tree-sits during dangerous weather conditions, and still remain.

- (1)
  - (a) Was a permit issued by STT to the BBF to conduct the Big Canopy Campout Event this year; and
  - (b) if not, what steps if any, did STT take to consult with the BBF about the requirement of a permit for the event?
- (2) What steps if any, did STT take to ensure this event complied with all safety regulations?
- (3) Does STT have a duty of care under the *Forest Management Act 2013*, the *Work Health & Safety Act 2012* or any other legislation or regulation, to protect users of Permanent Timber Production Zone (PTPZ) land of known safety risks?
- (4)
  - (a) Has STT made any assessments on the safety of the trees where the BBF are conducting their protests; and
  - (b) has STT advised the BBF of these facts?
- (5) Does STT have the authority to:
  - (a) prohibit a person from entering, an area in the interest of their safety; and
  - (b) request a person to leave an area in the interest of their safety?

The Leader answered,

- (1)
  - (a) I have been advised that Sustainable Timber Tasmania did not issue a permit for the Big Canopy Campout to occur on Permanent Timber Production Zone land in 2019.
  - (b) Sustainable Timber Tasmania has informed me that it has previously advised the Bob Brown Foundation of the need to request permission to conduct an event of this nature on Permanent Timber Production Zone land. Specific advice was provided on 6 September 2018 prior to the 2018 Big Canopy Campout. The Bob Brown Foundation has also been made aware of the requirement for a forest activity assessment to be undertaken to allow events of this nature to occur.

The purpose of the assessment process is to assess environmental values and the potential impacts of activities. Sustainable Timber Tasmania provides information on its website and in its publicly available Forest Management Plan as to the process to conduct an event on Permanent Timber Production Zone land.

- (2) Sustainable Timber Tasmania has advised me that the event was not authorised by Sustainable Timber Tasmania, nor was Sustainable Timber Tasmania aware of the location of the event prior to it occurring.
- (3) Sustainable Timber Tasmania have advised me that there is no statutory duty of care prescribed in the Forest Management Act 2013. The Act includes a specific exemption in relation to roads (section 20 as follows)

*Section 20. Forest Manager not liable for failure to maintain forest road  
The Forest Manager does not incur any liability by virtue of its failure to keep a forest road in repair in respect of pedestrian or vehicular traffic using that road.*



The *Work Health and Safety Act 2012* prescribes a duty of care effectively in circumstances where PTPZ land is a workplace within the meaning of the WHS Act. This includes a duty of care to 'other persons' not just 'workers'. It is also important to note that 'other persons' have a duty of care as well, namely to take reasonable care of his or her own health and safety.

There is a common law duty of care where it can be established that STT is in actual control of a relevant area eg doing works or where a specific hazard or risk was brought to its attention then it would be required to respond, armed with that knowledge in a way that was reasonable taking into account the nature of the risk etc. The *Civil Liability Act 2002* limits exposure to a breach of duty of care.

- (4) (a) Sustainable Timber Tasmania has advised me that they have not assessed the trees in the area of the forest protests. STT were not aware of the location of the protests as BBF did not apply for the required permits.
- (b) No.
- (5) (a) Yes. STT, as forest manager under section 22 of the *Forest Management Act 2013* have the authority to prohibit a person from entering an area of Permanent Timber Production Zone Land in the interests of a person's safety. The Act also provides for an authorised officer of the forest manager to similarly prohibit persons from undertaking those activities.
- (b) Yes. STT, as forest manager under section 22 of the *Forest Management Act 2013* have the authority to prohibit a person from remaining in an area of Permanent Timber Production Zone Land in the interests of a person's safety. The Act also provides for an authorised officer of the forest manager to similarly prohibit persons from undertaking those activities.

**12 EAR NOSE AND THROAT SURGEONS IN LAUNCESTON.**— *Ms Armitage* to asked the Honourable Leader of the Government — With regard to the number of Ear Nose and Throat (ENT) surgeons in Tasmania —

- (1) How many ENT surgeons are currently providing specialist service:
  - (a) in the North-West;
  - (b) in Launceston; and
  - (c) in Hobart?
- (2) (a) Of the total number of ENT specialists how many are expected to retire across the three regions in the near future; and
- (b) is it expected that two overseas trained surgeons at the Launceston General Hospital will be leaving?
- (3) What specific plans are in place and what action is the Government taking to address issues surrounding recruitment and retention of ENT specialists in Tasmania considering there has not been any ENT specialist trainees in Tasmania for 15 years?

The Leader answered,

- (1) The Government is advised that most hours of specialist Ear Nose and Throat (ENT) are presently worked within the private sector.

In the public system, ENT surgeons work as follows:

- (a) In the North-West one ENT Surgeon is employed as an ENT Visiting Medical Specialist (VMS) working 0.47 Full Time Equivalent (FTE).

- (b) While recruitment for a permanent specialist continues, the Launceston General Hospital has on-call coverage provided by two local ENT Visiting Medical Specialists for 1 week each per month. Urgent cases are referred to the Royal Hobart Hospital if required.
- (c) In Hobart two ENT Surgeons are employed as ENT VMS, each working 0.26 FTE, and two others are employed as ENT Visiting Medical Officers (VMO), each working 0.09 FTE. A Career Medical Officer and an ENT Registrar also each work full time.

(2) Any practitioner's retirement is a personal decision based on a range of factors. The two overseas-trained ENT specialists at the LGH have unfortunately departed due to a range of factors, although one has expressed an interest to the THS in returning to the LGH as a Specialist Surgeon if he is able to obtain his Australian qualification, which could occur next year.

(3) There is a desire to support accredited training in Tasmania, and this will be considered by the Royal Hobart Hospital. Future Specialist Medical recruitment strategies for the THS will be informed by the Health Recruitment, Retention and Workforce Planning Unit.

**13 TRAFFIC CAMERAS.**— *Ms Armitage* asked the Honourable Leader of the Government — With regard to cameras installed at traffic intersections, given the obvious benefits of recording and retaining footage from traffic monitoring cameras, including for the purposes of assisting police investigations, as well as planning for traffic infrastructure and road-user safety, what are the reasons for the Department of State Growth not recording and retaining footage from traffic monitoring cameras.

The Leader answered,

The Department of State Growth has advised me that it operates and maintains traffic monitoring cameras at various locations for the purpose of managing the State Road Network. These cameras feed back to the State Roads Traffic Management Centre, from where operators monitor traffic conditions which allows them to make adjustments to traffic signal timing, variable speed limits and other devices installed around the network as appropriate.

Operators can pan, tilt and zoom, to suit the operational needs at the time. It is not possible to predict at any particular time the view that will be available from any of the traffic monitoring cameras, meaning capturing footage of a particular incident is not guaranteed.

Footage from traffic monitoring cameras is also provided in real time to Tasmania Police, enabling them to monitor conditions directly.

The Department has also advised that the image resolution that is available from the traffic monitoring cameras is such that it is possible to detect significant details, including information that could potentially be used to identify individuals. Due to concerns around the management of this potentially sensitive data, the Department's policy is to not record or retain traffic monitoring camera footage.

**14 LEAVE TO PROVIDE ANSWERS TO QUESTIONS.**— *Ordered*, That *Mrs Hiscutt* have leave to answer Questions from the Member for Nelson (*Ms Webb*) on Facial Recognition data collection following a Government Briefing on 28 November 2019.

**15 FACIAL RECOGNITION DATA COLLECTION.**— *Ms Webb* asked the Honourable the Leader of the Government —

- (1) What legislative authority does the Register rely upon for secondary collection of facial data for the purposes of the 2017 Intergovernmental Agreement on Identity Matching Services not relating to the functions of the Registrar under section 6 of the Vehicle and Traffic Act?
- (2) In the notice of the *Vehicle and Traffic (Driver Licensing and Vehicle Registration) Amendment (Identity Matching Services) Regulations 2017*, it was stated that the regulations would :

“amend the *Vehicle and Traffic (Driver Licensing and Vehicle Registration) Regulations 2010* to allow the Registrar of Motor Vehicles to divulge information in accordance with the Intergovernmental Agreement on Identity Matching Services”

- (a) Noting the regulations may only be issued within the jurisdiction of the Act (common law/section 45 VTA) what legislative authority does the Registrar rely upon for the issuing of regulations for each and every purpose set out in clause 1.2 of the Intergovernmental Agreement on Identity Matching Services?
  - (b) If the above stated regulations related only to the divulging of information, under what authority has the Registrar been collecting facial records for purpose of the Intergovernmental Agreement on Identity Matching Services?
- (3) Under clause 2 of the Intergovernmental Agreement, Tasmania agreed that:
- “the design and operation of the Identity Matching Services adopt robust privacy safeguards, informed by independently conducted privacy impact assessments, developed in consultation with federal and state privacy commissioners (or equivalents), to balance privacy impacts against the broader benefits to the community from sharing and matching identity information”
- (a) What specific privacy assessment was undertaken in respect of this undertaking prior to the collection of data of the Face Verification Service?
  - (b) When was this privacy assessment undertaken?
  - (c) On what basis was an exemption for the completion of a regulatory impact statement granted that means no RIS was conducted on the amendments to the *Vehicle and Traffic (Driver Licensing and Vehicle Registration) Regulations 2010*?
  - (d) How does the secondary collection of data to the Face Verification Service database comply with Privacy Information Principle 1, under Schedule 1 of the *Personal Information Protection Act*?
- (4) The Legislative Council was informed at the briefing on 28 November 2019 that a regulatory impact statement was not prepared for the Subordinate Legislation Committee under section 5 of the *Subordinate Legislation Act*?
- (a) Were the burdens on community and individual privacy considered in determining not to issue a regulatory impact statement?
  - (b) Did the Registrar or Department explicitly advise the Minister no part of the regulations would impose any significant burden, cost or disadvantage on any sector of the public?
  - (c) Did the Registrar or Department make an assessment as to whether or not the regulation was “within the regulation-making power conferred by, or in accord with the general objects of, the Act pursuant to which it is made”?

The Leader answered,

Driver licences are the most common form of identification used in Australia and are, therefore, a target used by criminals, including organised crime, to assume someone’s identity or create a false one. New identities are also created to obtain a new driver licence to avoid licence suspension. The new service will be a tool to assist the Registrar of Motor Vehicles (Registrar) and Tasmania Police to detect duplicate and false identities, thereby maintaining the integrity of driver licences and limiting opportunities for identity fraud and other identity-based crime.

The collection of facial images for driver licences has been in place for nearly 30 years. The *Vehicle and Traffic (Driver Licensing and Vehicle Registration) Regulations 2010* (the Licensing Regulations), in particular regulations 20, 25, 29 and 138, is the current legislated authority for the collection of these images. The requirement to divulge images for the purposes of Identity Matching Services has not resulted in the collection of any additional information or images. The Registrar already held this information for the purposes of driver licensing.

In regards to the questions you have raised the following information is provided.

#### Response to Question (1) and Question (2)

The data provided in accordance with the 2017 Intergovernmental Agreement on Identity Matching Services (the Agreement) is already held in the registers maintained by the Registrar. No additional data is collected for the purposes of the Agreement. These registers, and the Registrar's powers to release information from them, have been created under the authority of s41 of the *Vehicle and Traffic Act 1999* (the Act).

The data transferred into the segregated National Driver Licence Facial Recognition Solution (NDLFRS) database is a subset of the register of driver licences. The driver licence register is required to be kept under regulation 124 of the Licensing Regulations.

The Registrar maintains and owns the data in NDLFRS, and no other jurisdiction or agency is able to amend or delete or add data into this segregated database. The National Exchange of Vehicle and Driver Information System (NEVDIS) also contains a subset of the driver licence register except for images and has done so for a number of years.

#### Response to Question (3)

The Registrar is empowered to divulge protected information from the driver licence register in accordance with regulation 125 of the Licensing Regulations.

Additionally, divulging information for the purposes of Identity Matching Services under the Agreement is also consistent with Personal Information Protection Principles set out in the *Personal Information Protection Act 2004* (PIP Act). These Principles allow for the disclosure of personal information for a purpose other than the purpose for which it was collected if the disclosure is reasonably necessary for law enforcement purposes.

A comprehensive set of safeguards were developed in consultation with federal and state privacy commissioners including the Tasmanian Ombudsman.

#### Response to Question (4)

In accordance with the *Subordinate Legislation Act 1992*, an assessment of this amendment was undertaken and received endorsement from the Department of Treasury and Finance in November 2017 and final determination was given in December 2017 that a Regulatory Impact Statement was not required as the regulation did not impose a significant burden, cost or disadvantage on any sector of the public.

The then Minister for Infrastructure provided a certificate of compliance that the guidelines were followed in accordance s4 of the *Subordinate Legislation Act 1992*.

This was provided to the Subordinate Legislation Committee in January 2018.

### **16 PAPERS.**— The Clerk of the Council laid upon the Table the following Papers:—

- (1) Legislative Council Government Administration Committee 'A' – Special Report on Resolution to Commence Inquiry.
- (2) Energy in Tasmania Report 2018-2019: Issued by the Tasmanian Economic Regulator – February 2020.
- (3) 2020 Report into the Reliability of Electricity Network Services in Tasmania. Issued by the Tasmanian Economic Regulator.

**17 LEGISLATIVE COUNCIL SELECT COMMITTEE REPORT ON SHORT STAY ACCOMODATION: GOVERNMENT RESPONSE.**— *Mrs Hiscutt* laid upon the Table of the Council the Government Response to the Report of the Legislative Council Select Committee on Short Stay Accommodation in Tasmania.

**18 MOTION WITHOUT NOTICE.**— *Ordered*, That *Mrs Hiscutt* have leave to move a Motion without Notice.

**19 LEAVE OF ABSENCE.**— *Ordered*, That the Honourable Member for Pembroke, (*Ms Siejka*) be granted leave of absence from the service of the Council following the birth of her first child on Wednesday 26 February 2020. (*Mrs Hiscutt*)

**20 MOTION WITHOUT NOTICE.**— *Ordered*, That *Mrs Hiscutt* have leave to move a Motion without Notice.

**21 MEMBER DISCHARGED FROM SELECT COMMITTEES.**— *Ordered*, That the Honourable Member for Prosser, Minister for Racing and Minister for Sport and Recreation, *Ms Howlett*, be discharged from the Legislative Council Select Committees on AFL in Tasmania, Production of Documents and Greater Hobart Traffic.

**22 MOTION WITHOUT NOTICE.**— *Ordered*, That *Ms Forrest* have leave to move a Motion without Notice.

**23 LEGISLATIVE COUNCIL GOVERNMENT ADMINISTRATION COMMITTEES ‘A’ AND ‘B’.**— A Motion was made (*Ms Forrest*) and the Question was proposed, That the following revised list of Ministerial Portfolios be allocated to the Legislative Council Government Administration Committees ‘A’ and ‘B’ as a result of the 28 January 2020 Ministerial Portfolio changes –

**Committee ‘A’**

- I. The Premier
- II. The Treasurer
- III. The Minister for Climate Change
- IV. The Minister for Prevention of Family Violence
- V. The Minister for Tourism
- VI. The Minister for Health
- VII. The Minister for Strategic Growth
- VIII. The Minister for Women
- IX. The Minister for Small Business, Hospitality and Events
- X. The Minister for Housing
- XI. The Minister for the Environment and Parks
- XII. The Minister for Human Services
- XIII. The Minister for Aboriginal Affairs
- XIV. The Minister for Planning
- XV. The Minister for Finance
- XVI. The Minister for Infrastructure and Transport
- XVII. The Minister for State Growth
- XVIII. The Minister for Science and Technology

## Committee 'B'

- I. The Deputy Premier
- II. The Minister for Education and Training
- III. The Minister for Mental Health and Wellbeing
- IV. The Minister for Disability Services and Community Development
- V. The Minister for Trade
- VI. The Minister for Advanced Manufacturing and Defence Industries
- VII. The Attorney-General
- VIII. The Minister for Justice
- IX. The Minister for Corrections
- X. The Minister for Building and Construction
- XI. The Minister for the Arts
- XII. The Minister for Heritage
- XIII. The Minister for Primary Industries and Water
- XIV. The Minister for Energy
- XV. The Minister for Resources
- XVI. The Minister for Veterans Affairs
- XVII. The Minister for Police, Fire and Emergency Management
- XVIII. The Minister for Local Government
- XIX. The Minister for Sport and Recreation
- XX. The Minister for Racing

A Debate arose thereupon.

And the Question being put,

It was resolved in the Affirmative.

**24 SPECIAL INTEREST MATTERS.**— The President advised the Chamber of six Members who had indicated their desire to speak and of the order in which they were to speak as follows —

- (1) Mr *Finch* – The Uluru Statement
- (2) Ms *Armitage* – SV Rhona H – a heritage sailing vessel
- (3) Mr *Gaffney* – End of Life Choices Bill
- (4) Mr *Dean* – Wattle Group
- (5) Ms *Rattray* – NESMH – Century of Caring
- (6) Ms *Forrest* – Redpa Football Club – Good Sports Award

At the conclusion of Special Interest Matters the Council proceeded to Orders of the Day.

**25 POKER MACHINE POLICY AND REGULATION.**— A Motion was made (Ms *Webb*) and the Question was proposed,

- (1) That the Legislative Council notes:
  - (a) Australia (with the exception of Western Australia), has an approach to poker machine policy and regulation that is significantly different to virtually all similar countries globally, resulting in Australia having:
    - (i) a disproportionately high number of poker machines per capita;

- (ii) a typical style of poker machine that is regarded as ‘high intensity’; and
  - (iii) a comparatively high level of harm due to the use of poker machines.
- (b) Poker machines typically in use in Australia are designed and programmed to include features that increase the likelihood of addiction, with evidence suggesting that normal use of Australian poker machines is likely to cause addiction in one in six users, these features relate to:
- (i) spin speed;
  - (ii) bet limits;
  - (iii) maximum jackpot;
  - (iv) near misses;
  - (v) losses disguised as wins; and
  - (vi) return to player.
- (c) It is possible to modify the design and programming features of poker machines to decrease the likelihood of addiction, and such modifications would have little impact on the recreational use of poker machines by Tasmanians.
- (d) The impact of harm caused by poker machine use on Tasmanian health and mental health services, family support services, welfare services, criminal justice system, domestic violence services, housing and homelessness services, productivity and level of unemployment, is not currently measured and monitored by the Tasmanian Government so as to effectively inform policy development and regulation relating to poker machines.
- (e) Data available on poker machine use indicates:
- (i) at least 23,000 Tasmanians are in at-risk groups (low, moderate and problem gambling);
  - (ii) one in three Tasmanians personally know someone with a serious problem with gambling on poker machines;
  - (iii) 79 per cent of Tasmanian Gamblers Help clients have poker machines as their primary form of gambling; and
  - (iv) 40 – 60 per cent of the money taken by poker machines comes from people addicted to the machines or are classified as at-risk.
- (f) The Social and Economic Impact Study (SEIS) 2017 notes limitations to the collection of accurate and reliable data in Tasmania on:
- (i) the use of poker machines, including accurate frequency and expenditure; and
  - (ii) employment figures related to poker machines in hotels and clubs.
- (g) To date, the Tasmanian Government has not released and made available for public scrutiny and discussion, modelling on the social and economic impact of the proposed new poker machine licensing arrangements to be introduced in Tasmania in 2023.
- (2) The Legislative Council calls on the Tasmanian Government to undertake and publicly release modelling on the social and economic impact of the proposed new poker machine licensing arrangements to be introduced in Tasmania in 2023.

A Debate arose thereupon.

**26 SITTING SUSPENDED.**— It being 1.00 o'clock p.m. the Sitting of the Council was suspended.

The Council resumed the Sitting at 2.30 o'clock p.m.

**27 QUESTION TIME.**— The President called for Questions without Notice. There were nine Questions asked.

**28 POKER MACHINE POLICY AND REGULATION.**— The Council resumed the Debate on the Question,

- (1) That the Legislative Council notes:
  - (a) Australia (with the exception of Western Australia), has an approach to poker machine policy and regulation that is significantly different to virtually all similar countries globally, resulting in Australia having:
    - (i) a disproportionately high number of poker machines per capita;
    - (ii) a typical style of poker machine that is regarded as ‘high intensity’; and
    - (iii) a comparatively high level of harm due to the use of poker machines.
  - (b) Poker machines typically in use in Australia are designed and programmed to include features that increase the likelihood of addiction, with evidence suggesting that normal use of Australian poker machines is likely to cause addiction in one in six users, these features relate to:
    - (i) spin speed;
    - (ii) bet limits;
    - (iii) maximum jackpot;
    - (iv) near misses;
    - (v) losses disguised as wins; and
    - (vi) return to player.
- (2) It is possible to modify the design and programming features of poker machines to decrease the likelihood of addiction, and such modifications would have little impact on the recreational use of poker machines by Tasmanians.
- (3) The impact of harm caused by poker machine use on Tasmanian health and mental health services, family support services, welfare services, criminal justice system, domestic violence services, housing and homelessness services, productivity and level of unemployment, is not currently measured and monitored by the Tasmanian Government so as to effectively inform policy development and regulation relating to poker machines.
- (4) Data available on poker machine use indicates:
  - (i) at least 23,000 Tasmanians are in at-risk groups (low, moderate and problem gambling);
  - (ii) one in three Tasmanians personally know someone with a serious problem with gambling on poker machines;
  - (iii) 79 per cent of Tasmanian Gamblers Help clients have poker machines as their primary form of gambling; and
  - (iv) 40 – 60 per cent of the money taken by poker machines comes from people addicted to the machines or are classified as at-risk.
- (5) The Social and Economic Impact Study (SEIS) 2017 notes limitations to the collection of accurate and reliable data in Tasmania on:
  - (iii) the use of poker machines, including accurate frequency and expenditure; and
  - (iv) employment figures related to poker machines in hotels and clubs.
- (6) To date, the Tasmanian Government has not released and made available for public scrutiny and discussion, modelling on the social and economic impact of the proposed new poker machine licensing arrangements to be introduced in Tasmania in 2023.
- (7) The Legislative Council calls on the Tasmanian Government to undertake and publicly release modelling on the social and economic impact of the proposed new poker machine licensing arrangements to be introduced in Tasmania in 2023.

*Ordered*, That the Debate be adjourned. (Ms Forrest)



**29 ADJOURNMENT.**— A Motion was made (Mrs *Hiscutt*) and the Question was put, That the Council will at its rising adjourn until 11.00 o'clock am on Wednesday, 18 March 2020.

It was resolved in the Affirmative.

*Resolved*, That the Council do now adjourn. (Mrs *Hiscutt*)

The Council adjourned at 4.53 o'clock p.m.

D.T. PEARCE, *Clerk of the Council*.